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MEMBER DEL AND FLA. BARS

November 23, 2005

The Honorable Sue L. Robinson
U.S. District Court
844 King Street
Wilmington, DE 19801

Re: U.S. v. Paul A. Himmelstein
Cr.A. No. 05-053-SLR

Dear Judge Robinson:

The above-cited defendant is scheduled for sentencing at 4:30 p.m. on Tuesday, November 29th. My purpose in directing this correspondence is to "explore" a possible, brief, rescheduling of the sentencing.

I must concede that the sentencing was scheduled months ago, and you inquired of counsel as to availability on the date and time set. Subsequent to the date set by you, a trial date was set on the case of State v. Joshua Wilson and which is a Rape prosecution, of a police officer, in Sussex County, Delaware. With complete candor, I must say that I approved the scheduling of that trial on that date. Ordinarily, there would be no conflict between a Superior Court jury trial and a sentencing, in another Court, at 4:30 in the afternoon. I would simply ask to recess, in Superior Court, at 4:15, less than a half hour before the typical ending of the trial day. When I approved the scheduling of the Wilson matter, that was my thought process.

For some reason, and which I attribute to my advancing years, it did not occur to me that it takes a little longer than 15 minutes to travel from Sussex County to New Castle County. In fact, in order to arrive in a timely fashion, I would have to ask the trial judge, in the Rape case, to eliminate a full afternoon of testimony.

The Honorable Sue L. Robinson
November 23, 2005
Page 2

There is still a remote possibility that the Wilson matter will be resolved by a plea on Tuesday morning, but rather than wait until that time, and in the event that I need to do so, I am asking if you have any difficulty in briefly rescheduling the Himmelstein matter without inconvenience to you and should the request become patent.

Respectfully,

Joe Hurley

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